

Reissue

73251/PRC

In the United States Patent and Trademark Office

In re Application of:

Kenneth A. Parulski, et al

ELECTRONIC STILL CAMERA FOR
CAPTURING AND CATEGORIZING
IMAGES

**Reissue for U.S. Patent 5,633,678
issued 27 May 1997**

Group Art Unit:

Examiner:

Express Mail Label No. EL267104334US

Date: 5-13-99

Honorable Assistant Commissioner for Patents

Box Patent Applications

Washington, D.C. 20231

Sir:

STATEMENT AND ASSENT OF ASSIGNEE IN SUPPORT OF REISSUE

The Eastman Kodak Company, hereinafter designated the Assignee, a corporation of the State of New Jersey, having a principal place of business at 343 State Street, Rochester, New York 14650, states that it is the assignee of the entire interest in Letters Patent 5,633,678, issued May 27, 1997, to the inventors Kenneth A. Parulski, Thomas A. Napoli and David M. Lewis.

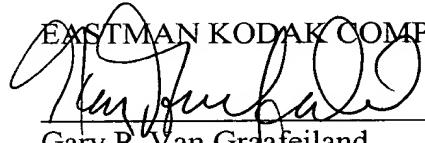
The Assignee assents to the accompanying application and hereby offers to surrender said Letters Patent. Assignee prays that said Letters Patent be reissued to the Assignee in the form indicated in the annexed amended specification. According to Assignee procedures, said Letters Patent was destroyed after all necessary computer entries were made and is therefore inaccessible.

The Assignee hereby appoints Pamela R. Crocker, Registration No. 42,447; Arthur H. Rosenstein, Registration No. 24,352; J. Lanny Tucker, Registration No. 27,678; Milton S. Sales, Registration No. 24,516 and Sarah Meeks Roberts, Registration No. 33,447, their attorneys, with full power of substitution and revocation to prosecute this application, to make alterations and amendments therein, to receive the Letters Patent in its original and reissue forms,

and to transact all business in the United States Patent and Trademark Office connected therewith, the said power to be exercised either separately or collectively by said attorneys as they shall from time to time elect. Please address all written communications to Thomas H. Close, Eastman Kodak Company, Patent Legal Staff, Rochester, New York 14650-2201 and direct all telephone calls to Mrs. Pamela R. Crocker at 716-477-0553.

The undersigned declares further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and the such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: 
EASTMAN KODAK COMPANY
Gary P. Van Graafeiland
Senior Vice President
and General Counsel


Date: 3/26/99

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**37 CFR § 1.175 STATEMENT OF INOPERATIVENESS
OF ORIGINAL PATENT (INVENTOR)**

Applicants, Kenneth A. Parulski, Thomas A. Napoli and David M. Lewis declare that:

We have reviewed and understand the contents of the specification, including the claims, of the attached reissue application.

We believe ourselves to be the original, first, and joint inventors of the subject matter claimed in ELECTRONIC STILL CAMERA FOR CAPTURING AND CATEGORIZING IMAGES for which we solicit a patent, described and claimed in our original Letters Patent No. 5,633,678 ('678 patent), issued May 27, 1997, based on U.S. Patent Application Serial No. 574,756, filed December 20, 1995 and for the attached specification for which invention we solicit a reissue patent. As to the subject matter of the application, we do not know and do not believe that this subject matter was ever known or used in the

United States prior to our invention or discovery thereof. We have the following citizenship, residence and post office addresses:

| | | | | |
|---|-------------------------|---|--|--|
| 2 | FULL NAME OF INVENTOR | FAMILY NAME Parulski | FIRST GIVEN NAME Kenneth | SECOND GIVEN NAME A. |
| 0 | RESIDENCE & CITIZENSHIP | CITY Rochester | STATE OR FOREIGN COUNTRY New York 14617 | COUNTRY OF CITIZENSHIP USA |
| 1 | BUSINESS ADDRESS | BUSINESS ADDRESS Eastman Kodak Company | CITY 343 State Street, Rochester | STATE & ZIP CODE (COUNTRY) New York 14650 USA |
| 2 | FULL NAME OF INVENTOR | FAMILY NAME Napoli | FIRST GIVEN NAME Thomas | SECOND GIVEN NAME A. |
| 0 | RESIDENCE & CITIZENSHIP | CITY Rochester | STATE OR FOREIGN COUNTRY New York 14692 | COUNTRY OF CITIZENSHIP USA |
| 2 | BUSINESS ADDRESS | BUSINESS ADDRESS Eastman Kodak Company | CITY 343 State Street | STATE & ZIP CODE (COUNTRY) New York 14650 USA |
| 2 | FULL NAME OF INVENTOR | FAMILY NAME Lewis | FIRST GIVEN NAME David | SECOND GIVEN NAME M. |
| 0 | RESIDENCE & CITIZENSHIP | CITY Phoenix | STATE OR FOREIGN COUNTRY Arizona 85048 | COUNTRY OF CITIZENSHIP USA |
| 3 | BUSINESS ADDRESS | BUSINESS ADDRESS | CITY | STATE & ZIP CODE (COUNTRY) |

We believe that our issued '678 patent is partly inoperative by reason of our claiming less than we had a right to claim in that the claims are limited to a *user* control for selecting one or more categories for the images *before* the images are captured whereas the invention has much broader applications. The invention was disclosed to the patent attorney who wrote the application using a *user* control for selection of one or more categories *before* the images are captured as an example of this invention and as the embodiment which had immediate commercial interest. We believe that one skilled in the art, after reading our issued '678 patent, would clearly understand that selecting one or more categories for the images does not have to be performed *before* the images are captured, and that the control for the selection does not have to be a *user* control. The claims actually prosecuted in the original application were, by mistake, inadvertently all directed to the *user* control for category selection *before* image capture embodiment.

The present reissue application overcomes the inoperativeness of the patent.

We acknowledge our duty to disclose information of which we are aware is material to the examination of this application.

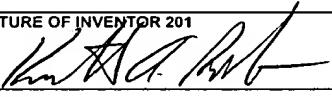
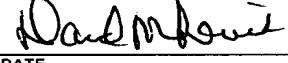
The errors arose without any deceptive intention on our part.

We hereby appoint Pamela R. Crocker, Registration No. 42,447; Arthur H. Rosenstein, Registration No. 24,352; J. Lanny Tucker, Registration No.

27,678; Milton S. Sales, Registration No. 24,516 and Sarah Meeks Roberts, Registration No. 33,447 as our attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith. Please address all written communications to Thomas H. Close, Eastman Kodak Company, Patent Legal Staff, Rochester, New York 14650-2201 and direct all telephone calls to Mrs. Pamela R. Crocker at 716-477-0553.

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

OCTOBER ELEVEN THIRTY EIGHT

| SIGNATURE OF INVENTOR 201 | SIGNATURE OF INVENTOR 202 | SIGNATURE OF INVENTOR 203 |
|--|---|--|
| DATE | DATE | DATE |
|  |  |  |
| May 12, 1999 | May 11, 1999 | 3 MAY 99 |

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Sir:

DECLARATION OF MARY ELIZABETH READ

I, Mary Elizabeth Read, declare:

1. I am Manager of Patent Operations at Eastman Kodak Company ("Kodak") and have held that position since 1988.
2. My responsibilities include: (1) overseeing the functions of the Kodak Patent Legal Staff's paralegal support staff, including docketing, payment of maintenance fees and renewals, instituting foreign filings, and maintaining PCT files as well as (2) establishing the Kodak Patent Legal Staff's administrative procedures.
3. On August 18, 1992, I implemented Kodak's policy (copy attached) of destroying all original U.S. patents once appropriate computer entries had been entered in our docketing system. U.S. patents which issued prior to August 18, 1992, were removed from storage in Kodak archives and destroyed pursuant to this policy.
4. As indicated in the attachment, the Kodak Patent Legal Staff was advised by Murriel E. Crawford, Associate Solicitor, U.S. Patent and Trademark

Office, that Kodak's policy of destroying original U.S. patents would satisfy the "inaccessible" requirement of 37 CFR § 1.178.

5. Original U.S. Patent 5,633,678; granted May 27, 1997, has been destroyed, pursuant to Kodak's above-described policy, and therefore, that patent is inaccessible.

6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

3/24/99
Date

MERead/p-w

Telephone: (716) 722-9893
Facsimile: (716) 588-7413

Attachment

Mary C Read
Mary Elizabeth Read

OFFICIAL COPIES OF U.S. PATENTS

Effective August 18, 1992:

All official "ribboned" copies of U.S. Patents will be destroyed after the appropriate computer entries are made in our internal data base.

Those U.S. Patents currently stored at Concord Archives will be destroyed.

U.S. Assignments will be retained for the life of the patent by Patent Operations.

With regard to reissue proceedings, the text of a letter dated July 6, 1992, to J. Jeffrey Hawley from Muriel E. Crawford, Associate Solicitor at the USPTO follows:

"The 'ribbon copy' of a patent need not be surrendered in a reissue proceeding if it has been destroyed or discarded. A declaration stating that Kodak destroyed or discarded the 'ribbon copy' would be sufficient to base a conclusion of 'inaccessibility'.

However, if Kodak gives the 'ribbon copy' of the patent to someone such as the inventor, Kodak would be required to seek to obtain the 'ribbon copy' before same would be considered 'inaccessible'."

This procedure has been approved by Patent Legal Staff Management.

9/15/92 - MER